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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,032	03/02/2004	Yoshihisa Ogata	11-230	9752
23400	7590	06/21/2005	EXAMINER	
POSZ LAW GROUP, PLC 12040 SOUTH LAKES DRIVE SUITE 101 RESTON, VA 20191				ZANELLI, MICHAEL J
ART UNIT		PAPER NUMBER		
		3661		

DATE MAILED: 06/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/790,032	OGATA ET AL.	
	Examiner	Art Unit	
	Michael J. Zanelli	3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
 THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 02 March 2004.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1,2,8 and 13-16 is/are rejected.
 7) Claim(s) 3-7 and 9-12 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 02 March 2004 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/2/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

1. The application filed 3/2/04 has been examined. Claims 1-16 are pending.
2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.
3. The IDS filed 3/2/04 has been considered.
4. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.
5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 2 and 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Aga et al. (2002/0087235).

A. As per claims 1, 15 and 16, Aga discloses an apparatus, and method of use thereof, for activating an occupant restraint system based on the type of rollover distinguished (Abs). The apparatus (Fig. 1) includes a roll condition sensor (22), lateral acceleration sensor (21), a processor-based control module (10) which performs the functions of determining the type of rollover (i.e., trip-over) based on characteristics or pattern of signals obtained from the roll condition and lateral acceleration sensors and determining a criterion (threshold) for recognizing a rollover, and means (31-34) for activating various occupant restraint devices (Figs. 6-13; paragraphs [0066]-[0071]).

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B. As per claims 2 and 14, as above whereby a trip-over is recognized by the characteristics or pattern of the lateral acceleration signal [0069].

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 8 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aga et al. in view of Tobaru et al. (6,618,655).

A. As per claims 8 and 13, Aga is applied as above whereby the roll condition sensor is a roll rate sensor (22) for producing a roll rate signal. The processor-based control module (10) uses the roll rate signal to produce a roll angle [0054]. The claimed invention differs in that both a roll rate sensor and roll angle sensor are provided and the outputs used to access a two-dimensional map which defines a non-rollover region and a rollover region relative to a threshold line. The rollover determination criteria is set by adjusting the threshold line.

B. Tobaru et al. discloses establishing a threshold line separating a rollover region from a non-rollover region on a two-dimensional map having roll angle and roll rate as parameters (Abs.; Fig. 3). Like Aga, one can distinguish the type of rollover by using lateral acceleration and roll condition. As noted in col. 13, lines 13-30, the threshold line in the two-dimensional map may be shifted or adjusted to reflect the type of rollover distinguished. One of ordinary skill in the art would have found it obvious to include the teachings of Tobaru in the rollover detection system of Aga because it would have provided additional criterion for distinguishing the type and likelihood of an actual rollover event.

9. Claims 3-7 and 9-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As per claim 3, the prior art of record does not show or reasonably suggest, in combination with the other claimed subject matter, a set of parameters indicative of the lateral acceleration including at least length of duration of the lateral acceleration. As per claim 9, the prior art of record does not show or reasonably suggest, in combination with the other claimed subject matter, a lateral speed detector whereby the rollover determination criteria unit sets the rollover determination criterion based on lateral speed of the vehicle prior to a rise in the lateral acceleration. Dependent claims 4-7 and 10-12 are distinguishable for at least the same reasons.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited documents are of general interest.

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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Zanelli whose telephone number is (571) 272-6969.

The examiner can normally be reached on Monday-Thursday 8:30 AM - 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G. Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/mjz



MICHAEL J. ZANELLI
PRIMARY EXAMINER